



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	08/026,736	FILING DATE	03/05/93	FIRST NAMED APPLICANT	ALIZON	ATTY. DOCKET NO.	M 3495.0010-12
						EXAMINER	

18M1/1126
FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER
1300 I STREET, N. W.
WASHINGTON DC 20005-3315

SCHEINER, T	
ART UNIT	PAPER NUMBER

1806

DATE MAILED: 11/26/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on Nov. 1, 1996
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 11, 13, 15 and 17-19 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 11, 15, 17 and 19 is/are ~~allowed~~ allowable.
- ☒ Claim(s) 13 and 18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Serial Number: 08/026,736

-2-

Art Unit: 1806

Part III DETAILED ACTION

The amendment-after-final filed April 2, 1996 has been entered and claims 17-19 have been entered by the amendment filed November 1, 1996. Claims 11, 13, 15 and 17-19 are pending in the application.

Claims 13 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

There is no indication in the original specification or claims that the instant invention contemplated antibodies to a peptide:antibody complex. The only antibodies mentioned in the specification are those which bind viral peptides. In the event that applicants are able to point to support in the specification for anti-complex antibodies, it should be noted that the claims as written read on anti-immunoglobulin antibodies (which are not mentioned in the specification either).

Claims 11, 15, 17 and 19 are allowable over the prior art of record.

Serial Number: 08/026,736

-3-

Art Unit: 1806

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni R. Scheiner whose telephone number is (703) 308-3983.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

11/22/96

Toni R. Scheiner

TONI R. SCHEINER
PRIMARY EXAMINER
GROUP 1800